

### **REMARKS**

Applicant requests reconsideration and allowance in view of the foregoing remarks. Claims 1, 8, 18, and 22 have been amended, claims 26 and 27 have been added, and claims 17 and 23-25 have been canceled. Claims 1-16, 18-22, 26, and 27 are pending, with claims 1 and 8 being independent. No new matter has been added.

### **§ 101 Rejection**

Claims 8-22 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant has amended independent claim 8 to recite a computer program, embodied in a computer readable medium, to obviate this rejection. Applicant respectfully requests reconsideration and withdrawal of the § 101 rejection of amended independent claim 8 and its dependent claims.

### **Lett Rejection**

Claims 1, 2, 4-15, and 23-25 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,592,551 (Lett), and claims 3 and 16 have been rejected under 35 U.S.C. § 103 as being unpatentable over Lett. Applicant has amended independent claims 1 and 8 to obviate this rejection.

### **Claims 1-7, 26, and 27**

As amended, independent claim 1 recites a method for making data derived from a video signal accessible. In particular, data derived from a vertical blanking interval of a video signal is received and the data received is stored on a storage medium for retrieval based on a subsequently received request. The stored data is indexed such that an application may retrieve a portion of the stored data with a database query and render an electronic programming guide based on the retrieved stored data. Moreover, indexing the stored data includes preparing data tables having an index data area and a detail data area, separating the stored data into index data and detail data, and loading data to the data tables.

Applicant respectfully requests reconsideration and withdrawal of the rejection with respect to independent claim 1 because Lett does not describe or suggest at least indexing the stored data such that an application may retrieve a portion of the stored data with a database query and render an electronic programming guide based on the retrieved stored data, wherein indexing the stored data includes preparing data tables having an index data area and a detail data area, separating the stored data into index data and detail data, and loading data to the data tables.

Specifically, Lett relates to an apparatus and method for providing an interactive electronic programming guide. To provide an electronic programming guide to subscribers, an information service processor may transmit electronic programming guide data in the vertical blanking interval of a television signal. [Col. 5, line 66-Col. 6, line 1]. A multifunction control circuit receives the signal and uses a VBI detector to detect the data transmitted in the vertical blanking interval of the signal. [Col. 8, lines 36-38]. After detection, a VBI data decoder stores the data in DRAM prior to processing. [Col. 8, lines 44-45] (emphasis added). Accordingly, the apparatus of Lett does not index the stored data such that an application may retrieve a portion of the stored data with a database query. Rather, Lett merely consecutively stores the electronic programming data in DRAM as it is received until the allocated memory becomes exhausted. [See Col. 13, lines 49-55]. Nothing in Lett suggests that the data is indexed such that an application may retrieve a portion of the stored data with a database query, much less indexed by preparing data tables having an index data area and a detail data area, separating the stored data into index data and detail data, and loading data to the data tables. To the contrary, the information stored in DRAM is only described as being read out to the on-screen display control [Col. 8, lines 57-59], and the information service processor, not the on-screen guide control, is described to have the capability of selecting only certain portions of the electronic programming guide data, [Col. 5, lines 54-61]. Because the information service processor may select portions of the electronic programming guide data prior to transmission and the on-screen display control is not described to have this feature, Lett teaches away from indexing stored data such that an application may retrieve a portion of the stored data with a database query and certainly does not describe or suggest preparing data tables having an index data area and a detail data area. Thus,

Lett fails to describe or suggest at least indexing the stored data such that an application may retrieve a portion of the stored data with a database query and render an electronic programming guide based on the retrieved stored data, wherein indexing the stored data includes preparing data tables having an index data area and a detail data area, separating the stored data into index data and detail data, and loading data to the data tables.

For at least this reason, Applicant respectfully requests reconsideration and withdrawal of the § 102(b) rejection of amended independent claim 1 and its dependent claims.

#### **Claims 8-16 and 18-22**

Claims 17-22, which depend from claim 8, were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has cancelled claim 17 and amended claim 8 to include the recitations of claim 17. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 8 and its dependent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejected claims in further prosecution of this or related applications.

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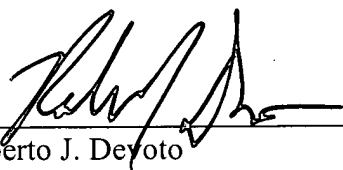
Applicants submit that all claims are in condition for allowance.

Enclosed is a \$120.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

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